

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARYLEBONE PCC LIMITED—ROSE 2 FUND on
Behalf of Itself and All Similarly Situated Persons,

Plaintiff,

vs.

MILLENNIUM GLOBAL INVESTMENTS LTD.,
MILLENNIUM ASSET MANAGEMENT LTD.,
MICHAEL R. BALBOA, GLOBEOP FINANCIAL
SERVICES LLC, GLOBEOP FINANCIAL
SERVICES LTD., SS&C TECHNOLOGIES, INC.,
BCP SECURITIES LLC and XYZ CORP.

Defendants.

Case No. 12-CV-3835 (PAC)

**PLAINTIFF'S NOTICE OF MOTION
FOR PRELIMINARY APPROVAL OF SETTLEMENT
WITH DEFENDANT BCP SECURITIES LLC**

Plaintiff Marylebone PCC Limited -- Rose 2 Fund (“Marylebone” or the “Plaintiff”), on behalf of itself and a proposed Settlement Only Class, respectfully moves the Court, in Courtroom 11D of the Daniel Patrick Moynihan Courthouse at 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an order preliminarily approving the proposed partial settlement of the above-captioned class action lawsuit (the “Action”) as against Defendant BCP Securities LLC (“BCP”) for, among other things, a total of \$500,000.00 in cash; additional payment of administration and distribution expenses up to \$75,000.00; and an agreement to cooperate with Plaintiff’s counsel in the prosecution of claims against non-settling defendants (including the early production of documents) as set forth more fully in the Settlement

Agreement. If approved, the settlement will resolve all claims against Defendant BCP and related entities but not against any other Defendant in the Action. Plaintiff also requests that this Court approve the form and manner of providing notice of the Settlement to the Proposed Class, and setting a hearing date at which the Court will consider final approval of the Settlement, approval of the proposed Plan of Allocation, and Plaintiff's Counsel's motion for appointment as Class Counsel and motion for a partial award of attorneys' fees and reimbursement of Litigation Expenses incurred to date.

This Motion is based upon the accompanying Memorandum of Law in Support of Plaintiff's Motion for Preliminary Approval of Partial Settlement, the Declaration of Kevin Galbraith, Esq. dated December 20, 2012 and the Stipulation and Agreement of Settlement and all related exhibits. The Stipulation and Agreement of Settlement and its exhibits and the proposed Order Preliminarily Approving Proposed Settlement and Providing for Notice are attached as exhibits to the Galbraith Declaration.

Dated: December 20, 2012
New York, New York

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